

to say to these folks who haven't had a pay raise in the last 7 years or so: We are going to address that inequity too.

My hope is we can do all those, and the passage of this legislation will help us in that direction, plus reduce a little bit of our dependence on foreign oil, plus reduce the emission of bad stuff into our air, reduce congestion at our airports and in our skies and on our highways.

If we do all that we ought to declare victory. The thing I love most about what happened here this week and last week on this bill is Democrats and Republicans did it together; we actually worked together and I applaud the efforts of Senator LAUTENBERG and Senator LOTT and I especially wish to say thanks to our leader, Senator REID, for making time on the schedule for us to have this debate, to follow through on it; and my colleagues on both sides who participated in the debate and offered reasonable amendments, some of which were adopted. This place actually functioned the way I think people of this country expect us to.

#### MORNING BUSINESS

Mr. CARPER. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### INTERNET TAX MORATORIUM

Mr. CARPER. I further ask unanimous consent that Senator ALEXANDER and I be allowed to participate in a colloquy for 10 minutes apiece, up to 10 minutes apiece for a total of up to 20 minutes. I think what I would like to do initially is yield, if I could, to Senator ALEXANDER for his comments and whatever he would like to say.

While he comes to his feet to speak first, let me say, I think the people in the country want us to work together. We have Democrats, we have Republicans, we have Independents in this country, and we realize we are not going to agree on everything. People realize that, but when we can agree, they want us to do that. They want us to use common sense, take the opportunity to work across the aisle and make sure that common sense is reflected, whether it is passenger rail service or the interest or noninterest in providing people protection from having their Internet access taxed, their e-mail traffic taxed, their instant messaging taxed.

I have had the great privilege of working with Senator ALEXANDER for 3 or 4 years—in some cases maybe longer than we would like to remember—on the issue of tax moratorium, but he has been a great partner, and I especially want to thank him for letting me be his partner and say to Senator ENZI of Wyoming and Senator VOINOVICH of

Ohio, both former mayors, Senator FEINSTEIN—a former mayor herself—Senator DORGAN, former revenue director for the State of North Dakota, and Senator ROCKEFELLER, a former Governor of West Virginia, all of whom worked together as a team to try to bring us to this day, to where we are today, the House has adopted legislation we passed last year, providing for a 7-year extension of the Internet tax moratorium.

Let me say to Senator ALEXANDER what a real privilege it is for me to have an chance to work with you on all kinds of issues, including this one. I thank you for that opportunity.

The PRESIDING OFFICER. Without objection, the Senators from Tennessee and Delaware may engage in a colloquy.

The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I thank the Senator from Delaware. He has provided extraordinary leadership as a former chairman of the National Governors Association on the legislation that was passed. Let me be specific about what has been done.

Last Thursday, the Senate worked out a compromise and passed legislation to extend for 7 more years the moratorium on the taxation of access to the Internet. That was called the Sununu-Carper amendment, the Senator from New Hampshire and the Senator from Delaware. It was an amendment to the 4-year extension that the House of Representatives passed on October 16 by a vote of 405 to 2. I was glad to be a cosponsor of the Sununu-Carper amendment. Hopefully, the House will vote on that legislation today, if it has not already, so the President can sign it into law before the moratorium expires on November 1, which is this Thursday.

At the invitation of the Senator from Delaware, let me try to put this accomplishment into a little larger perspective. Above the Senator from Colorado, who is the Presiding Officer, is a few words that have been our country's national motto, "E Pluribus Unum," one from many.

How do we make this country one from many? Not by race or not by descent but because we agree on a few principles. We have a common language, and we have a common history.

A very wise professor, Samuel P. Huntington, at Harvard, who was a former President of the American Political Science Association, said:

Much of our politics is about conflicts between principles with which all of us agree.

For example, if we were debating immigration, we might say "equal opportunity" on the one hand, "rule of law" on the other. We all agree with both principles, but they conflict so we have an argument. That is what happened with the question of whether the Federal Government should pass a law to extend a moratorium that says States, cities, and counties cannot tax access to the Internet.

On the one hand, if you have been a Governor, as Senator CARPER and I have been, nothing makes you madder than for Members of Congress to stand up with a big idea and say let's put this into law; let's take credit for it and send the bill to the Governors, to the States and cities and the counties—because usually we find that Senator or Congressman back home in our States making a big speech about local control at the next Lincoln Day or Jackson or Jefferson Day dinner.

That is the principle of federalism on the one side: No more unfunded Federal mandates, is what we Republicans like to say. In fact, a whole bunch of Republicans, including Newt Gingrich, stood up on the U.S. Capitol steps in 1994 and said: No more unfunded mandates. If we break our promise, throw us out. The New Republican Congress passed a law in 1995, S. 1 it was called, no more unfunded mandates, that is the law of the land. If Congress wants to order States and local governments to do it, Congress should pay for it.

That was the principle of federalism. But on the other hand, we had the principle of—let's say *laissez faire*, for lack of a better word. If you have been in business or helped to start a business, as I also have, you want as little taxation as possible and as much certainty as possible. As the Internet grows and develops, from the very beginning, it was thought it ought to be as free as possible from multiple regulations and taxes from State and local governments. So that produced the kind of debate that often comes to the floor of the Senate, those saying on the one hand: Wait a minute, let's leave the Internet alone. Let's let it grow. Let's keep the State and local governments from taxing it, or at least from taxing access to it. And on the other hand, the States, the Governors and the mayors and the city councilmen—many of us have been in those positions before—saying: Wait a minute, it is not the job of Congress to say to Colorado or Delaware or Tennessee: You must have this service or you can't tax food or you can't tax income or you can't put a sales tax on Internet access.

In 2003 and 2004, we had a huge debate about the last extension of the Internet access tax moratorium and came to a conclusion. At that time, Senator CARPER and I asked the industry, the companies, to sit down with the National Governors Association, the National Conference of Mayors, the National Association of Counties and take these principles—federalism on the one side, *laissez faire* on the other—and suggest to us some ways we could craft legislation that recognized we all agree with both principles. We need to find a way to put the principles together. That is what this compromise did.

I will let the Senator from Delaware explain a little more about the details of it, but if he doesn't mind, I will go ahead a few more minutes and give a couple of examples of why the compromise is a good idea. Fundamentally,

it is a good idea because it achieves these three objectives:

No. 1, it updates the definition of what we mean by access to the Internet. It updates that definition.

No. 2, it avoids most unfunded Federal mandates. In other words, States that are now collecting—in effect, a sales tax on access to the Internet or, in some States, a gross receipts tax—in general may continue to do that during the next 7 years. It is a limited number of States, but it is still important to those States.

No. 3, it provides, after a reasonable period of time, that we come back and take a look at the whole issue. We finally decided on 7 years in the Senate so we can make sure the definition of Internet access has not changed so the law doesn't apply correctly. If anything is likely to change, it probably is the Internet.

At the time the Telecommunications Act was last written, in the middle of the 1990s, I doubt, with all respect, that most Members of the Senate even knew what the Internet did, much less used it. In 1998, when the first moratorium and the definition of Internet access tax was written, all we knew about was a telephone dial-up Internet. Yet, by 2004, we had to refashion a definition of access to the Internet to take into account that suddenly telephone calls were being made over the Internet, and States and local governments currently collect billions of dollars in local taxes from telephone services.

If the Federal Government banned that, then States would either have to raise tuition or raise some other taxes or cut services. So we decided, in 2004, that we didn't mean to keep States from making the decisions about services and taxation that they had already made, except for the connection of access to the Internet. That didn't just favor States and local governments, for us to figure that out and be accurate in our definition. It also was of great benefit to the industry because, for example, some States were taxing what is called the backbone of the Internet, which was not intended to be left out of the moratorium.

This compromise, which Senator CARPER, Senator SUNUNU and many others have worked out, I think, in the spirit of our country, takes two very important principles—laissez faire and federalism—and notices that they conflict in this question but comes to a reasonable compromise end result. So what we have is an updating of the definition of what we mean by access to the Internet. What we have is avoiding, for the most part, unfunded Federal mandates. And what we have is a reasonable period of time in which we can come back and revisit the issue, to make sure that what was happening in 2007 is still what we mean by the Internet in 2014.

I am glad to have been a part of this discussion. It went much better this year than it did in 2004, when we couldn't come to an agreement for

about a year. The reason was because those affected by it—the entrepreneurs of America and the mayors, the cities, the Governors and county officials—helped us a lot by getting together, resolving their differences, and understanding each side has a legitimate point.

I am glad to be a part of it. I am glad to engage in this colloquy with Senator CARPER and I salute him for his consistent leadership and for, once again, demonstrating his ability to work well with people from many different walks of life and for being willing to work across the aisle, when that was necessary, to produce a result.

Mr. CARPER. Mr. President, if I could reply to the comments of my friend, he mentioned the fact that we do things over the Internet today that frankly we didn't think of about 10 years ago. Initially, we would do dial-up. Eventually, later on, we would have other ways to access the Internet to send our e-mail or instant messaging. I never imagined 6 years ago we would ever be able to do telephone calls over the Internet. In my State and other States as well, those States and local government depend on revenues they raise from telephone services to help pay for schools, to help pay for police, paramedics, fire service.

Now we have moved along. Folks are actually able to send TV, apparently, over the Internet. In a bunch of jurisdictions, not so much States but local governments, they actually derived some of their revenues, not inconsiderable, over the years from cable services and a tax on cable services they collect.

My dad used to say different things. Probably everybody can remember much of what your mom and dad said in your lifetime. One of the main things I remember my dad saying to my sister and me is there are two things certain in life: One of them is death, the other is taxes.

One of the other things that is certain in life is change, particularly change with respect to technology and change with respect to how we use the Internet. One of the beauties of the compromise we have hammered out here with a lot of hard work and support from Senator ALEXANDER and his staff member sitting right beside him, Lindsey, and on our side I especially thank Bill Ghent and Chris Prendergast for all their hard work and particularly our committee staffs who did a great job—but one of the beauties of the compromise we worked out is we have to come back and revisit this issue somewhere down the line 7 years from now.

The reason why that is important is because this is going to change. This technology is going to change. Our ability to use the technology and what we do with the Internet will change. It will be different 7 years from now. It is important for us to have the ability to come back.

I certainly lend a strong “amen” to what Senator ALEXANDER said. As Gov-

ernor, he was Chairman of the National Governors Association—so was Senator VOINOVICH. We have three Members of the Senate who previously were Governors and led the National Governors Association. We fought hard as Governors in order to convince the Congress to pass the law that President Clinton signed in 1995: No unfunded mandates.

We worked hard in 1998 to make sure that as the Federal Government came in, we kind of stepped on that 1995 law, and said: Well, we want to change it a little bit, what you can collect in terms of revenues. We passed the 1998 legislation, the moratorium on Internet tax access.

They grandfathered in about nine States and said: If you are already collecting, you can continue to collect, but watch yourself there, and we said to the other 41 States, the other jurisdictions, if you are not collecting, you cannot start. But the thing I like about the legislation, we are respectful of the grandfathers, the nine States; they can continue to collect taxes as they have in the last 8 or 9 years. But they can not do something new or different.

By the same token, if they are collecting tax revenues on traditional services such as telephone and cable, they are going to be able to continue to do that. I do not know about the rest of you, but I was reminded of this—my boys have grown up in public schools in Delaware. It is important that my State have the ability to collect taxes to help educate our children in my State and other States, every other State.

We have paramedic service in our State, statewide paramedics. We have fire and police. It is important to me that the city of Wilmington, in which I live, has revenues that they need to make sure we are safe; that if we pick up the phone for 911, somebody is going to come if we need them; if we have a fire in our house or in our neighborhood, that someone is going to come and put it out. I want to make sure our city and other communities have the revenue they need to do that.

The last thing I would say here—and this goes back to something my dad used to say to my sister and me, when we would pull some boneheaded stunt. I must have done it a lot, because he used to say: Use some common sense. He must have said that 1,000 times during the time I was a little boy to the time I left and went off to college: Use some common sense.

I think what we have here, as my colleague said last week, a victory, a victory for common sense, a victory for bipartisanship, a victory that protects the rights and interests and obligations of State and local governments, a victory for those of us who want to have access to the Internet and not be encumbered by additional taxes. It is a victory in all of those areas.

It has been a pleasure working with Senator ALEXANDER and our colleagues on this one. We can set this one aside

for a while—I am sure we are both pleased to do that—and go on and maybe work on clean air issues, try to figure out how to protect the health of folks who are breathing sulfur dioxide and nitrogen oxide, and try to figure out how to do something with respect to climate change and maybe figure out how to use nuclear energy more effectively, to make all of that possible.

This has been a good—not a day's work but many months' work. I am delighted with the outcome. I thank my colleague and our colleagues who have worked with us and our staffs for getting us to this point.

The House of Representatives voted this afternoon. They took this up under suspension of the rules, the legislation we passed here last week. They passed the 7-year extension of the moratorium on Internet access unanimously, over 400-some votes to none. So we can feel good about that when we go home today.

Think about it. We have passed a good Amtrak bill, good passenger rail bill, worked across the aisle, thought outside the box. We did the same kind of thing with respect to protecting the rights of consumers, without stepping on the rights of State and local governments. I think we can be proud of that. I am, and I know my friend Senator ALEXANDER is as well.

I yield to him for any last comments he wants to make.

Mr. ALEXANDER. I thank the Senator and the Presiding Officer.

Maybe the next thing we can do as a Senate is take up the Senator from Colorado's legislation that I cosponsored, and a number of others have, on an honorable conclusion to the war in Iraq, and pass that. And then the American people might notice that with public transportation, with the Internet, and with the war in Iraq, the Congress was actually working together on issues that make a difference to them and is acting like grownups and achieving results.

This has been a good several months' work. I thank you for the privilege of working with you.

I yield the floor.

Mr. CARPER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MCCASKILL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. (Mr. MENENDEZ). Without objection, it is so ordered.

Mrs. MCCASKILL. Mr. President, I ask unanimous consent to speak in morning business for a few minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Missouri is recognized.

#### IN MEMORY OF PORTER WAGONER

Mrs. MCCASKILL. Mr. President, there are memories you have of child-

hood, and some of them are good memories and some of them are interesting memories and some of them are sad memories.

I remember as a child being kind of forced to watch a TV program that, frankly, probably was not my favorite, but now, as I look back on it, I understand why my great-aunt and some of the other friends and neighbors I lived with and near in southwest Missouri loved Porter Wagoner.

Porter Wagoner has died of cancer at the age of 80. He lived in Nashville, but he is one of Missouri's. He is a Missourian who went on to distinguish himself in country music. I know his funeral will be Thursday at Nashville's Grand Ole Opry House. When his life is celebrated at his funeral, I know hundreds and thousands of Missourians will feel the loss of Porter Wagoner.

Porter Wagoner's life was a country music song. He was born on a farm near West Plains, MO. My mother's family has their roots in West Plains, MO. This is the heart of the Ozarks in the center of the south of Missouri. He was from a family that was very poor, who literally lived off the land.

In fact, Porter Wagoner bought his first guitar for \$8. The way he paid for that guitar was he trapped rabbits and sold the rabbit skins and saved up \$8.

His family fell on hard times, and they had to auction the farm. So they had to move into the city, the city of West Plains, MO, where Porter Wagoner got a job at the butcher shop. The butcher heard Porter Wagoner playing that \$8 guitar he had gotten from Montgomery Ward and asked him to sing in the commercials for his butcher shop on the radio—and a star was born.

After he began singing in the commercials for the butcher shop, they eventually then put him on the radio to sing the advertisements in an area where people in Springfield, MO—the big city of Springfield—heard Porter Wagoner singing in those butcher shop advertisements, and he moved to a station in Springfield, MO.

In 1952, he signed a record contract with Steve Sholes, the very same RCA producer who signed Elvis Presley 3 years later.

In 1953, Porter Wagoner spent \$350 to buy his first extravagant rhinestone-studded creation that he became known for. He always had these incredible outfits that were very sparkly and always involved a wagon wheel and maybe had one of his signature items, which was the fact he had put, in rhinestones, on the inside lining of the coat, in great big letters: "Hi!" So when you would meet Porter Wagoner, he would flash his jacket, and this friendly "Hi!" would beam out at you. He ended up buying over 50 of these outfits, and they epitomized the style we affectionately call "hillbilly deluxe." They cost anywhere from \$8,000 to \$12,000 apiece.

He had many successes. He had many ups and downs in his life. In fact, recently a record was made that talked

about the time he was receiving help for his mental issues in a hospital and how he went long periods of time without recording. But through the years, he had 29 top 10 hits, including "Green, Green Grass of Home," "Skid Row Joe," and "The Cold Hard Facts of Life."

There was this young blonde who he made famous. He asked her to come and sing with him on his show. It is now well known who that young blonde was because that, in fact, was Dolly Parton. If it were not for Porter Wagoner, Dolly Parton maybe never would have gotten the chance she needed to catapult her into the culture of country music in this country.

He never had the kind of fancy success that many of our stars have today, but he was like country music. His life went up and down, with very hard beginnings in terms of what he came from. He achieved great success and had low moments.

But through it all, his style was very simple—a very simple country music style.

In fact, it was very common for him to use the talking style where he would stop singing and actually talk through a song, telling the story, weaving the tale, tying the threads together, so the listeners, before the song was over, not only found themselves tapping their toe or smiling, but they would find that the heartstrings were being pulled. They would have an emotional connection to Porter Wagoner's music and the lyrics he considered so important to the essence of country music.

I know everyone in Missouri will miss Porter Wagoner. We have tributes to a lot of people on this floor. I know the people in West Plains, MO, are so proud of him. In fact, I say to the Presiding Officer, right now, if you traveled with me to West Plains, MO, and we turned onto the main drag, you would look at the street sign, and it would be named nothing other than "Porter Wagoner Boulevard."

He had a band called the Wagonmasters.

Tonight in Missouri—all across rural Missouri and in the urban areas of Kansas City and St. Louis—all the country music fans are proud of the fact he was one of Missouri's own. Not only will country music miss him, we will miss him in Missouri and what he has meant to our State.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. The Senator is recognized without objection.